

# The Manifesto was a Victory!

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*The following article suggests a new perspective on the significance of the cessation of plural marriage by the Church of Jesus Christ of Latter-day Saints in the year 1890. Gordon C. Thomason, a member of DIALOGUE's Board of Editors, is a graduate student in the Department of Religious Studies at the University of California, Santa Barbara.*

Last fall (1970) I received a mid-day phone call from Provo. The caller had just attended an open discussion with a young black leader from the University of Arizona. This campus visitor had, in discussing racial problems, advanced the idea that since the Church had abandoned polygamy in response to political pressure, there was no reason why a similar solution could not be found to the Negro/Priesthood problem. My friend was disturbed that no one in the group disagreed, in fact they seemed to accept this conclusion. He made an appointment to talk later with the visiting black and then called me to discuss the subject, knowing that I had done research on the Manifesto.

My friend's need to contact me and the embarrassed silence of so many B.Y.U. students bespeak not so much an ignorance of L.D.S. history at B.Y.U., as it does a widespread misinterpretation of our past, both in the Church and out. The misunderstanding of the Manifesto began in the years following 1890, and with the rapid growth of the Church it is almost universal today. With the issuance of the Manifesto many Mormons, tired after the long struggle, began a process of accommodation to prevailing American values and mores. Our nineteenth-century history was quietly and quickly swept under carpets, locked in closets, or left to members of the family who maintained some strange fascination with genealogy. This period of Church history was neglected until it became the province of professional historians whose writing was often too technical to be interesting. A new "Mormon" culture developed, and today few converts are aware of anything that occurred from the time of the arrival of the last handcart companies until the turn of the century.

The Saints were not always ignorant of this chapter in church history. As late as the 1930s, a steadily diminishing number of old men dressed up in their aged black and white striped prison suits and marched in Pioneer Day parades. In some sense they were not ashamed of their past — they were martyrs and heroes. But what was heroic about their imprisonment, and

what had been gained by it to be proud of and to commemorate? Did those somehow defiant "ex-convicts" have an inkling of something that today we ignore? Many went to their graves secure only in the fact that they had been faithful and true to their covenants. Perhaps a few knew that their suffering counted for a great deal more; one or two may even have realized that in spite of all appearances they were the victors and not the vanquished.

Our understanding of history seems to increase as each generation adds the insights of contemporary experience to its view of the past. Our age is highly sensitized to the sufferings of minorities in conflict, and with such a perspective even a rereading of standard histories can reveal things that the very makers of history ignored or were blind to.

It is my contention that while the government appeared to have "won a battle" on 6 October 1890 with the issuance of the Manifesto, it "lost the war" that had extended some forty years, cost a number of Saints their lives, put some 1,300 in prison and forced hundreds to live on the "underground" and many others to flee to Canada and Mexico. The conflict brought Federal troops to occupy Utah in 1857 and thereby created Camp Floyd, the largest military post in the pre-Civil War United States. Congress, the Presidency, and the Supreme Court combined to generate repressive legislation and distortions of Constitutional jurisprudence which to this day are unequalled in the degree to which they destroyed individual and institutional rights, freedoms, and privileges. Politicians so successfully exploited the situation that at times the nation was prepared to accept the destruction of the Church and its members. What was the fight really about, and how is it that we won?

Perhaps the easiest way to garble history is to oversimplify it. Today most people assume that the "Mormon problem" was just a disagreement as to how many women a man could marry. If this had been the case, then the Manifesto would have been a total surrender. On the other hand, if polygamy was simply the most visible symptom of more deep-seated conflicts with America, then we must examine all the issues at stake. In such a situation, victory would consist in preserving or destroying that which was most basic to the combatants. In the words of one historian, Mormonism seemed to the average American "to embody those traits that were [the] precise antitheses of American ideals."<sup>1</sup> What then were the Saints seeking to assert and protect? What was the government trying to accomplish, and how did each fare in its objectives?

### *THE RIGHT TO CONTRACT FURTHER PLURAL MARRIAGES*

Recent research indicates that plural marriage was probably a part of the Restoration as early as 1831, and was becoming a general practice among the leaders of the Church several years before the Prophet's death. A brief glance at the *Nauvoo Expositor* confirms the fact that it was becoming a matter of public knowledge in 1844, and numerous plural marriages were performed in the Nauvoo Temple prior to the exodus. Polygamy became the subject of public discourse in 1852 when Orson Pratt preached on the

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<sup>1</sup>David Brion Davis, "Some Themes of Counter-Subversion: An Analysis of Anti-Masonic, Anti-Catholic, and Anti-Mormon Literature," *Mississippi Valley Historical Review*, 47 (Sept. 1960), 208.

topic under the direction of Brigham Young. The practice had achieved such notoriety by 1856 that the Republican Party at its founding was pledged to eliminate the "twin relics of barbarism" — slavery and polygamy. In 1862, Congress passed the Morrill Act which outlawed "bigamy" in Utah and other territories of the U.S. Little attempt was made to enforce this law during either the Civil War or Reconstruction. When anti-Southern feeling waned in the 70s, Washington politicians turned to Utah as a source of career-building "reform" causes, and anti-Mormon persecutions resumed the proportions of the 1840s and 50s. By 1886 the U.S. Assistant Attorney General, William A. Maury, in pleading against an appeal of the Lorenzo Snow Case before the U.S. Supreme Court, remarked, "It would have been infinitely better if these people, years ago, had been put to the sword."<sup>2</sup> Such a "final solution" to the "Mormon problem" had its echo in the rhetoric which justified the Federal invasion of Utah in 1857, and in Missouri Governor Boggs' issuance of the infamous "Extermination Order" of 1838 which precipitated the Haun's Mill massacre with the words, "The Mormons must be treated as enemies and must be exterminated or driven from the state, if necessary, for the public good."<sup>3</sup>

The foregoing serves simply to illustrate that this was no small skirmish, but a protracted conflict. In the recent words of the First Presidency:

. . . may we say that we know something of the sufferings of those who are discriminated against in a denial of their civil rights and Constitutional privileges. Our early history as a church is a tragic story of persecution and oppression. Our people repeatedly were denied the protection of the law. They were driven and plundered, robbed and murdered by mobs, who in many instances were aided and abetted by those sworn to uphold the law. We as a people have experienced the bitter fruits of civil discrimination and mob violence.<sup>4</sup>

#### *THE RIGHT TO MAINTAIN EXISTING FAMILIES AND KEEP OLD COVENANTS*

The question remains whether the right to contract plural marriage was really the genesis of such conflicts. In 1879, the U.S. Supreme Court upheld the constitutionality of legislation which forbade plural marriage.<sup>5</sup> The grounds were that the First Amendment granted protection to freedom of religious belief whereas no such freedom was guaranteed for practices based on religious beliefs. A person could *believe* what he wanted, but could not *act* on that belief. If the prevention of further plural marriages had been the intent of the government, it is possible that the Church would have

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<sup>2</sup>Orson F. Whitney, *Popular History of Utah* (Salt Lake City: Deseret News Press, 1916), p. 439.

<sup>3</sup>Joseph Smith, *History of the Church* (hereafter cited as *DHC*), Vol. III (Salt Lake City: Deseret Book, reprint 1967), p. 175.

<sup>4</sup>Letter to Bishops, etc. of 15 December 1969. Reprinted as a "Policy Statement of the First Presidency" in the *Church News* (California edition), Vol. 40, No. 2, for the week ending 10 January 1970 (Salt Lake City: Deseret News), p. 12.

<sup>5</sup>*Reynolds v. United States* in *U.S. Reports* Vol. 98, October Term 1878 (Boston: Little, Brown, and Co., 1879), pp. 145ff. For additional discussion of this decision in another context see my article, "In Good Conscience," which appears in *War, Conscription, Conscience and Mormonism*, edited by Gordon C. Thomasson (Santa Barbara, California: Mormon Heritage, 1971), pp. 76-96.

accepted this ruling. In 1886, Governor West (a new carpetbag appointee) held an interview with Lorenzo Snow who was then imprisoned for unlawful cohabitation. The governor tried to get Snow to change his views on polygamy, but Snow replied, "Well, now, governor, of course, there is no use wasting time on this. If you ask me if I will renounce the principle of plural marriage, I will answer you at once." But the governor sought no such commitment. He responded, "No; that is not the question. The question I ask is will you agree, in good faith, sincerely, in the future to respect and obey the laws as interpreted by the courts, which I and every other good citizen ought to do and must do, and failing to do, will incur punishment."<sup>6</sup> Snow's response was negative. Governor West then made the same proposal to forty-eight of Snow's fellow inmates. Their published response was directed to the government's intent:

We were united to our wives for time and eternity by the most sacred covenants, and in many instances numerous children have been born as a result of our union, who are endeared to us by the strongest paternal ties. . . . So far as compliance with your proposition requires the sacrifice of honor and manhood, the repudiation of our wives and children, the violation of sacred covenants, heaven forbid that we should be guilty of such perfidy. Perpetual imprisonment, with which we are threatened, or even death itself, would be preferable. (*CHC*, VI, 182.)

The destruction of existing families which had been sealed in covenant by the Priesthood, rather than just the prevention of further plural marriages, was a major intention in the government "crusade." This was evidenced many years before when Governor Shaffer interviewed Eli B. Kelsey, an excommunicated polygamist, in an attempt to align the apostate group of which Kelsey was a member with the government. Shaffer outlined the government's plan to destroy the Church. Kelsey, in rejecting the plan, replied, "Before I will forsake my wives and bastardize my children, I will fight the United States down to my boots. What would you do, if you were in my place?"<sup>7</sup>

#### *THE RIGHT TO GUIDE BEHAVIOR BY REVELATION FROM GOD*

Making men violate their covenants was not the biggest issue, however. Mormonism stood for something even more intolerable to the government. Ruder Clawson's words epitomize the conflict. Prior to his being sentenced for unlawful cohabitation, he told the judge, "I very much regret that the laws of my country should come in conflict with the laws of God; but when-

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<sup>6</sup>B.H. Roberts, *A Comprehensive History of the Church of Jesus Christ of Latter-day Saints* (Hereafter cited as *CHC*), Vol. VI (Salt Lake City: Deseret News Press, 1930), p. 182. I should here mention that I could multiply footnotes almost endlessly, but since my main purpose is to offer a reinterpretation of data which should be common knowledge among Mormons, it is sufficient for my purposes to mainly rely on commonly available sources such as Roberts wherever possible. The "atrocities" which are alluded to throughout the article are all described in the *CHC*, but since almost no one bothers to read such readily available material, and fewer seem to have thought about what such sources imply, the footnotes provided are considered ample.

<sup>7</sup>Whitney, *op. cit.* p. 248.

ever they do, I shall invariably choose the latter. If I did not so express myself, I should feel unworthy of the cause I represent.”<sup>8</sup>

As has been the case in every dispensation, the root of the conflict was in the right of the Saints to live according to individual inspiration by the Spirit, and to collective guidance (both temporal and spiritual) revealed from God through the Prophet to the Church. The issue was stated clearly by Mr. Varian, the U.S. District Attorney for the Utah territory. He interrupted a hearing before the Masters in Chancery (court of equity) for the escheated (government confiscated) Church properties. They had been listening to testimony from General Authorities regarding the scope of the Manifesto. Mr. Varian angrily interjected:

They [the L.D.S.] are not obeying the law of the land at all, but the counsel of the head of the Church. The law of the land, with all its mighty power, and all the terrible pressure it was enabled to bring with its iron heel upon this people crushing them to powder, was unable to bring about what this man did in an hour in the assembled conference of this people. They were willing to go to prison; I doubt not some of them were willing to go to the gallows, to the tomb of the martyr, before they would have yielded one single iota. (CHC, VI, 229.)

In May of 1891, the old Republican Committee of the territory filed a protest with the Utah Commission (a governing and investigative body of Federal carpetbaggers) against Utah being granted statehood on the grounds that: “Utah is not yet prepared to accept the trust of statehood, because a majority of her people still maintain a higher allegiance to the theocracy under which they have all their lives served than to the government of the United States” (CHC, VI, 299).

When a state sets itself above God, revealed truth or conscience, it will inevitably persecute the Saints. From the time of Kirtland the most consistent charge against the Saints was that they “followed the Prophet” whether in matters of economics, voting, or marriage. When law and power override justice in any nation, be it ancient Egypt, third century Rome, or nineteenth Century America, it will exert terrible pressures bringing its iron heel upon a dissident minority, and will endeavor to bring them to conformity or to destroy them. Revealed truth always stands in opposition to such machinations.

### *THE RIGHT TO KEEP COVENANTS SACRED AND SECRET*

While the right to revelation was the most basic issue, there were other conflicts that played a part in the drama that led to the Manifesto. The government sought to challenge not only the right of Latter-day Saints to keep covenants they had made regarding their behavior, but also their right to keep sacred and secret the various ordinances and covenants of the Temple. The Saints hold that while some information has been published and even though, under the inspiration of the Spirit, public discourses might be given on the nature and importance of keeping certain covenants, they are in no way bound to discuss these same covenants before a Prosecuting Attorney

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<sup>8</sup>Joseph Fielding Smith, *Essentials in Church History* (Salt Lake City: Deseret News Press, 1922), p. 599.

or Judge in a civil court. The first person to go to jail for refusing to violate the sanctity of his covenants was Daniel H. Wells of the First Presidency. Other members of the Church were given and served contempt sentences for likewise refusing to testify on such matters. Since the Saints refused to speak, the courts sought the testimony of apostates and non-Mormons who readily invented and swore to the idea that the endowment was by nature a subversive ceremony of a most un-American nature. As a result of this, for a number of years convert-immigrants were denied naturalization as U.S. citizens, many individuals were denied homestead patents, and other civil liberties were abridged. Only infrequently have there been demands by the courts that religious covenants or secular secret oaths (e.g., those of the Masons) be broken or revealed, and perhaps never have those demands been as intense as they were with the Mormons.

*THE RIGHT TO BELIEVE, TEACH, PUBLISH AND FREELY  
ASSOCIATE AS BROTHERS*

Finally, the government sought to destroy the right of the Saints to believe all God has revealed, all that He does reveal, and all that He may yet reveal, and the right to publish and teach such gospel concepts. In 1879 the Supreme Court at least held that Mormons were protected in their right to *believe* and *belong* to the Church by the guarantee that: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble. . . ."

Later, on 3 February 1890, the Supreme Court not only struck down these protections but also ruled that Article VI, Section 3 of the Constitution, which holds that "no religious test shall ever be required as a Qualification to any Office or Public Trust under the United States" did not apply to Latter-day Saints. In their decision regarding *Davis v. Beason*, the Court upheld an Idaho law which provided that:

no person who is a bigamist or polygamist, or who teaches, advises, counsels or encourages any person or persons to become bigamists or polygamists, or to commit any other crime defined by law, or to enter into what is known as plural or celestial marriage, or *who is a member of any order, organization or association which teaches, advises, counsels or encourages its members or devotees or any other persons to commit the crime of bigamy or polygamy, or any other crime defined by law, either as a rite or ceremony of such order, organization or association, or otherwise, is permitted to vote at any election, or to hold any position or office of honor, trust or profit within this Territory.*<sup>9</sup>

When the Court sustained this law, it denied Davis, who had never practiced polygamy, his normal civil rights on the basis of his belief and membership in the Church of Jesus Christ of Latter-day Saints. After the Court upheld the Idaho statute which disenfranchised Davis, the Congress began consideration of the "Cullom-Struble" bill which would have applied the same law on a Federal level throughout the territories. Here we find another difference which could allow no compromise. Theoretically the

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<sup>9</sup>*U.S. Reports* Vol. 133, October Term 1889 (New York & Albany: Banks & Brothers, 1890), pp. 333ff. Italics added.

Church would never allow someone other than God to dictate what it should believe or teach. The government asserted that it held even this power.

In review, some main areas of controversy were: 1) the right to contract further plural marriages; 2) the right to maintain existing families and keep old covenants; 3) the right to guide behavior by revelation from God; 4) the right to keep covenants sacred and secret; 5) the right to believe, teach, publish and freely associate as brothers.

### *AMERICANIZATION*

As we have seen, the government sought to deny all these rights. The government committed itself to "Americanizing" the Mormon Church by whatever means necessary. This is reflected in the laws passed, enforced and upheld by the courts. It is evidenced by the speeches of countless self-seeking congressmen and politicians. It was echoed in almost every newspaper and propaganda organ in the country. Unfortunately for the government, the Saints would not capitulate to such demands. As Mormon resistance persisted, the government escalated its tactics in more and more frantic attempts to accomplish its well-publicized purpose. As the conflict stretched out, the government began to lose face. As Mr. Varian hinted, it was embarrassing that so great a power could not make so small a group conform to its will. In time public sentiment began to wane and the political mileage gained by crusading politicians through persecuting Mormons began to decline. Indeed, by 1890 the government had painted itself into a corner. Among the other means it had already employed to impose its will, it had expropriated the properties of the Church, leaving it without funds to defend itself or to sustain its members. It dissolved the Corporation of the Church and set about distributing its assets just as it would those of a person who died without leaving either heirs or a will. It denied the right to vote to countless citizens for committing a misdemeanor (plural marriage was never classed as a felony). In one case the court upheld the right of a U.S. Marshal to shoot and kill rather than arrest a misdemeanor offender who was in no way resisting arrest. It stood by while the civil rights of a number of Mormons were violated in the American South where mobs were murdering Mormon missionaries and local juries were acquitting the murderers. It held that women (even a first wife) could be forced to testify against their husbands, and jailed for contempt those who refused. It passed laws that no Mormon could expect a trial by a jury of his peers (that is, Mormons could not serve on juries in polygamy trials). It developed a judicial technique known as "segregation" in which sentences could be "stacked" by making each month, week or day a person maintained more than one wife a separate offense, thus making possible "life" sentences for polygamy (This was one of the few abuses struck down by the Supreme Court through the long series of court battles). This list could be extended, but the important fact is that by 1890 the government had only two methods of punishment and repression left in its arsenal. The first was extermination, which had been suggested more than once before. The second was total political disenfranchisement of all Mormons. These were unhappy alternatives to the politicians who led the nation, not for any idealistic reason, but rather because they

would be eliminating a population which might otherwise, someday, vote for their party. Washington was looking for a way out.

In the words of George Q. Cannon, the Church had "waited for the Lord to move in this matter" (*CHC*, VI, 223). The Church's resistance through the 1880s is ample evidence that it was looking for an easy way out. It would definitely not surrender its right to revelation nor allow the destruction of eternal family ties. Indeed, as a response to persecution the rate of plural marriages climbed from 1882 to 1886 — precisely when the sentences given were the heaviest and the enforcement most severe. Some evidence suggests that men were called to practice polygamy (that is enter into new and plural marriages) as an act of civil disobedience. Such actions served to divert public attention *towards* the contracting of marriages, and *away* from existing families. Though there is an admitted lack of evidence, it is probable that the Lord would not release the Saints from the obligation to practice polygamy (compare D. & C. 124:49) until more basic and important aspects of the gospel were protected. Only then, I suspect, did He reveal to the Prophet that the practice might be discontinued.

### THE GOVERNMENT GIVES IN

When the Democratic Party, after decades out of power, succeeded in electing Grover Cleveland as President, they set about consolidating their position by a number of maneuvers planned to gain them popularity among the voting public. One of Cleveland's actions was to appoint judges for the Utah territory whose behavior, in contrast to the appointees of previous administrations, might best be described as generous. In fact, many men who had lived successfully on the underground in previous years turned themselves in for trial and sentencing, willing to serve reasonable sentences and counting on laws of double jeopardy for future protection. The Democrats were openly courting votes. Not to be outdone, the Republican Party set about creating a new image for itself in Utah. Late in 1888, the Church quietly ceased performing new plural marriages. In September of 1890, President Woodruff met in San Francisco with the National Chairman of the Republican Party (which had regained the Presidency from the Democrats) and an understanding was probably reached, because five days after this visit the Manifesto was given (*CHC*, VI, 220). The gist of that meeting apparently was that the Church *could* publicly cease to institute new plural marriages and/or to encourage its members to do so *only* if the government would surrender its other goals. No small result of this meeting was the fact that the same federal official, Mr. Varian, who objected so strenuously to the Saints following the Prophet, himself proposed, just a few years later, that Federal and Territorial Statutes against polygamy should not be adopted in their entirety as part of the new Utah constitution. Instead, he suggested that only those sections dealing with the contracting of new plural marriages be retained, while those dealing with the destruction of existing families be deleted (*CHC*, VI, 324-26). While anti-Mormons in Utah and throughout the nation were largely unaware of these facts, major national party leaders were most certainly involved in approving them, as the Congress accepted Utah's proposed constitution and, after almost fifty years of trying, Utah obtained statehood.



The guarantee that existing families would be protected was so explicit that President Joseph F. Smith, in his testimony at the Smoot investigation in Washington, D. C. in 1904, "freely admitted continued cohabitation with his plural wives, of whom he had five. He stated that since 1890, the date of the Woodruff Manifesto outlawing polygamy, he had been the father of eleven children, and that each of his wives had been the mother of at least one of them."<sup>10</sup> While this admission generated some anti-Mormon sentiment through the country, the fact of statehood and relative autonomy was sufficient to protect such families, and in a few short years the issue was forgotten.

There is little question that if the Church had bowed to the Reynolds decision in 1879, the government would have proceeded to destroy all existing plural families and violate eternal covenants. By continuing to violate the law, the Church forced the government to concentrate its power on what amounted to lower priority issues. When a balance is struck between the Government's objectives and what it actually accomplished, as contrasted to those principles which the Church maintained, there is little question as to the nature of the Government's surrender or the Church's victory. As Mr. Varian so painfully observed, the Manifesto was precisely an assertion of our right to be guided by Revelation, and not a surrender in any sense of the word. It was the Government that was forced to back down. The Manifesto of 1890 simply provided politicians a graceful way to abandon their oft-publicized goals. This entire historical picture serves to emphasize the fact that the Church, when faced with a "little" external pressure, does not quickly come up with a "revelation of convenience" as an easy way out. Indeed, there are no "revelations of convenience" in Mormonism, and those who expect such solutions will likely have a very long wait. Persons who think the Lord's Church operates that way ignore both its authenticity and its history. Finally, then, viewed in perspective, the Manifesto was a victory.

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<sup>10</sup>R.J. Snow, "The American Party in Utah: A Study of Political Party Struggles During the Early Years of Statehood," an unpublished M.A. thesis, Dept. of History, University of Utah, 1964, p. 60. The apostate Frank J. Cannon, in his book *Under the Prophet in Utah*, F. J. Cannon and Harvey J. O'Higgins (Boston: 1911), asserts that the brethren's intent in giving the Manifesto was to include the dissolution of existing families. With nothing better than Cannon's rather biased reporting of the matter, one would better rely on the wording of the Manifesto itself. The Prophet's "advice to the Latter-day Saints is to refrain from *contracting* any marriage forbidden by the laws of the land." Italics added.